

**District V Advisory Board Minutes
August 6, 2001
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The District V Advisory Board meeting was held at 7:00 p.m. at the Auburn Hills Golf Course Clubhouse on 135th Street. In attendance were the District V City Council Member, ten (10) District Advisory Board Members, three (5) City staff, and approximately thirty (30) citizens with twenty-three (23) signing in.

Members Present

David Almes
Bob Bulman
Sean Cash
David Dennis
Maurice Ediger
Margarita Farelle-Hunt
Andy Johnson
Vince Miller
Teresa Schmidt
Bob Sorenson
Council Member Bob Martz

Members Absent

Fran Hoggatt

Staff

Sgt. Bobby Wiley, Police
Officer Robert Lacy, Police
Jess McNeely, Planning
Bill Longnecker, Planning
Dana Brown, City Manager's Office

Guests (listed on page 8)

ORDER OF BUSINESS

Call to Order

Council Member Martz called the meeting to order at 7:02, explaining the purpose of the District V Advisory Board as community advisors to him as the District V City Council Member. **Council Member Martz** further explained that although he chairs the Board meetings, the actions taken by the Board do not include a vote by him, even in the case of a tie. He stated that his opportunity to vote occurs at the City Council meetings and that he considers the feedback of the Board for his vote. He advised the public that the meeting provides them with an opportunity to voice their opinion on City issues. He asked that the public attending the meeting conduct themselves with the same appropriate behavior that is expected in the Council Chambers.

Approval of Minutes

The minutes of the June 4 and July 9, 2001 meetings were approved 8:0.

Approval of the Agenda

Council Member Martz asked if any agenda changes were needed. With none needed, the agenda was unanimously approved.

Public Agenda

Scheduled Items

No items had been previously scheduled for the public agenda.

Off-agenda items

Council Member Martz asked if the public had any concerns to present that were not associated items on the agenda. **Judy Park, 12231 West Sheriac Circle**, stated that she had concerns that she had not received a response from Public Works to the request from **Breezy Point Homeowners Association** (HOA) for approval for the HOA to build a wall around the subdivision. **Council Member Martz** stated that the wall would not be on city right of way so the decision was the HOA's to make.

Vernon Deines, Breezy Point Homeowners Association (HOA), said he'd like to table this issue until the next meeting; the concern, he noted, was determining whether part of the area where the wall is proposed to be built could be designated as flood way. **Council Member Martz** responded that the HOA would need to survey and identify for certain the floodway area. He stated that a wall should not be built until the Maple Street expansion is complete.

(Margarita Hunt arrived.)

Action: Issue tabled until completion of Maple Street expansion.

Planning Agenda

1. ZON 2001-00039 – Request to Change from SF-5, Single Family Residential to NO,

Neighborhood Office - Generally located west of Ridge Road and south of Bittersweet Lane

Jess McNeely, Planning, reviewed the case dating back to 1990 when the property was in Sedgwick County and a similar request was considered. At that time, the Metropolitan Area Planning Commission (MAPC) denied the request. McNeely noted that Single Family zoning existed on the north, west, and south sides of the property and sports fields located across Ridge Road to the east on County property.

McNeely stated that the review by the Planning staff included concerns about traffic increases from the 2000 count of approximately 14,000 per day to the projected count of nearly 17,000 per day for 2030. McNeely also stated concerns for the impact of traffic in the neighborhood. In addition, McNeely said that a change to the requested zoning would conflict with the Comprehensive Plan to maintain low-density residential in the area. The staff recommended denying, as the Neighborhood Office (NO) zoning would change the character of the neighborhood due to these factors. He noted that MAPC had approved the request 8:2 on July 19th. He pointed out, however, that 100% of the residents in the approved area surrounding the subject property had protested the zone change with the exception of the County as the largest landowner who did not respond.

Council Member Martz asked for Board questions. **Sorenson** stated that it would be helpful to know the thinking of MAPC in regard to their vote. **McNeely** responded that little discussion occurred prior to the vote.

Greg Ferris, agent for the applicant, asked to speak. He explained that the property owner had moved to Colorado and had been unsuccessful in attempting to sell his home. The applicant had observed the recent growth on Tyler and expected that the same growth would occur on Ridge. Ferris said that Ridge is a five-lane road with existing high traffic and that he did not agree with the future traffic estimates stated in the Staff Report. He acknowledged that the requested change to

Neighborhood Office might increase the traffic by 50-100 cars per day but no more. He also stated that Bittersweet Street, running east and west along the north side of the subject property, would be closed just past of the entrance to the circle drive on the property, eliminating any concerns regarding an expected increase in neighborhood traffic. Ferris also stated that the area to the east was not residential but rather a sports complex area and that residential only existed behind the subject property.

Ferris continued that the land should be utilized according to its "highest and best use," and the inability to sell the property must be considered. Ferris stated that he would concede two (2) points made in the Staff Report: (1) the conflict with Comprehensive Plan, and (2) neighborhood opposition. However, he said that Neighborhood Office zoning is very limited in its uses and the house would probably be used as a doctor or dentist office, and would be required to have a residential appearance.

Cash asked if specific office use was being planned, and **Ferris** responded that dentists and realtors had showed interest.

Council Member Martz asked for further Board comment/questions; being none, he asked if the public wished to respond. **Elwood Tinsley, 1945 N. Ridge**, said that he lived immediately north of the subject property and he questioned the unsuccessful attempts to sell it. He stated that he is aware of people who are interested in buying for more than the \$33,000 appraised value. Tinsley said that the decisions to be considered included that would benefit and does other available NO zoned property exist in the area. In this case, Tinsley said, the property owner, Dan Loyd, would benefit and the change was not necessary to meet the demand for NO as plenty of commercial property existed currently in the area. **Almes** asked if other property had sold in a reasonable amount of time to which **Tinsley** replied that he had watched resale activity in the last few years and noted that other homes had sold. Another **member of the public** stated that he lived two doors south of the subject property and had bought the home three (3) years ago.

Mark Wiemeyer, 7231 Bittersweet, stated that he currently used Bittersweet approximately five-six times a day to access Ridge Road, and that closing that access point would definitely affect traffic flow. He also said that converting to NO would discourage property owners from making improvements to their property.

Darlene Haney, 1919 Ridge Road, stated three concerns: 1) establishing an office on the subject property would cause the need for additional parking than what currently exists; 2) closing Bittersweet would close an access point to and from Ridge Road for the neighborhood; and, 3) changing the zoning to NO would change the character of the neighborhood.

Mark Brant, 2003 N. Ridge Road, stated that he lived just north of Tinsley on Ridge and that he was considering an improvement to his house but is reluctant if the zone change occurs. He also said that the area is definitely residential in character as the lots are large and oriented to families.

Bob Simmons, 7229 W. 18th, stated that he had offered \$120,000-130,000 to Loyd about three years ago but the offer was not accepted. Simmons would like to remodel and add a pool but was reluctant if the subject property is rezoned.

Michael Crawford (no address provided/did not sign in) stated that the area needed to be kept family-oriented.

Kevin Kelley, 7316 Bittersweet Court said he had lived in the area five years. He stated that the subject property has not been maintained and needs repair and improvement. He pointed out that Loyd chose to leave this area.

Vicki Simmons, 7229 W. 18th Street, stated that she and her husband looked at the home to buy but Loyd is asking \$180,000 and it needs to be remodeled. She stated that Loyd needed to be more reasonable in his asking price. In addition, she said that Via Christi had built offices one block north of the subject property that would be perfect for doctor or dentist's offices.

Peggy Peterson, 7328 Bittersweet, said that most people who used Bittersweet did so because they live on that street and closing it would create an inconvenience for the residents. She said that safety for the area children was a concern as well as the effect on property values.

Kelley, 7316 Bittersweet, spoke again saying that as a father of six children, he had specific concerns for the children and families in the area. He said more younger families were moving into the area for a variety of reasons including attendance to the Maize school district and use of the County park area to the east. He said that additional issues include existing sites available in the area for business and traffic increases would add to the need for more police attention. He said the situation involved an out of town property owner who would profit most but the existing family would be impacted the most.

Veronica Schulte, 7229 Bittersweet, spoke about several issues related to the case:

- Expressed concern that the review process appeared confusing, citing especially the notification letter received. Further confusion came with the discussion and subsequent vote at the July 19th MAPC meeting when the members' opinions appeared to be split during the discussion but the vote ended in an 8:2 vote.
- Reported that information she had accessed showed that the area reflects a 13.8% vacancy rate for offices according to research conducted by Wichita State University, indicating that adequate office space is available without rezoning in Single Family neighborhoods;
- Stated that the existing neighborhood is very family-friendly with reasonable house prices and large lots;
- Asked if the request didn't qualify as "spot" zoning and if the "Golden Rules" for Planning applied to this situation;
- Asked if the MAPC conditions that accompanied request approval aligned with the street closure planned in conjunction with the existing circle drive on the subject property; and,
- Noted that comparison of the request for the same zoning on S. Ridge and this zoning request on N. Ridge is not valid because different conditions exist for each area including existing spot zoning on S. Ridge.

Ferris responded to the comments by the area residents, saying that zoning cases are feelings versus use of land. He noted that the neighborhood opposition to the request creates a negative situation but that a zoning request cannot be denied to such opposition. **Tinsley** asked if he could dispute with several points but **Council Member Martz** replied that he would prefer a debate not be initiated and he was returning the discussion to the Board.

Miller noted the attempt to follow the Golden Rules but that consideration is sometimes given to transitional zoning. **Dennis** stated that he had read the staff report, driven by the subject property, and noted that transitional zoning is not recommended when the existing character and use of the

neighborhood is strictly residential. He stated that a change to Neighborhood Office would impact the neighborhood. Dennis then said that he agreed with the Planning staff and disagreed with the action of the MAPC.

Cash stated that this case is a tough decision, and one in which he received many phone calls. He said that the current character of Ridge Road is largely residential. As a comparison to the changes that occurred along Tyler, he said that he could attest to the effect on property values as he lived there when zoning behind his home was changed from residential to office. He had built his home for \$66,000 but had sold it three years ago for \$99,000. The house is now for sale at \$86,000.

Council Member Martz responded to several of the points made by the public and the Board Members. He first explained the make-up of the Metropolitan Area Planning Commission—appointment by City Council and County Commission to represent both Wichita and Sedgwick County; typically have a background in development; and their meetings are staffed by Planning Department. He said that in this case, the MAPC meeting was considered the first public hearing and apologized to Schulte for the confusion but noted that improvements were being made. Council Member Martz also recognized the statement made by a citizen that they “wonder if the City hears them,” expressing the hope that they were being heard tonight. He explained that the typical process provides an opportunity for the public to speak with an informal public hearing through the District Advisory Boards and a formal public hearing through MAPC. The order of the meetings is not critical, he said, and it usually depends on the meeting date of the DAB. The final action by City Council—in this case on August 14th—will not be a public hearing as there will be no opportunity for citizens to speak although they are certainly welcome to attend. At the Council meeting, the members consider the information they have received to make a final decision on the case. Council Member Martz noted that this case has generated considerable opposition with the petition and phone calls, and did anyone who signed the petition want to express a change in their opinion on the zone change request? No one responded.

Dennis said that he liked for the DAB to review the cases after MAPC because the order provided information and thinking from the Planning staff, the MAPC, and the citizens. In this case, Dennis felt that the recommendation by the Planning staff was the most appropriate and moved to support their recommendation to deny the request (**Almes**).

Action: Recommended by a vote of 9:0 to deny the request.

Ferris spoke to say that due to the protest petition, the vote at City Council would require six (6) in favor to approve the request or five (5) opposed to deny.

2. ZON 2001-00041 – Generally located one lot south of Douglas on the west side of Ridge Road
Jess McNeely, Planning, presented information on the request for a zone change from SF-5, Single Family Residential to NO, Neighborhood Office. He explained that the subject property was located one block south of Douglas in an area that currently has both residential and office zoning. As a result, even though the request is the same as the previous case reviewed, different conditions exist in this case and the Planning staff was recommending approval subject to a utility easement and a Protective Overlay pertaining to architectural character, signs, access & parking, lighting, and landscaping. McNeely stated that no opposition had been received.

Sorenson stated he had one concern related to access and the traffic trying to make left turns onto the property. **Council Member Martz** noted that the third condition of the Protective Overlay in the Staff Report addressed this issue by currently restricting the point of access to one and requiring that a future change in zoning to the adjacent property would require modification or closure to the driveway.

Cash (Almes) moved to approve.

Action: Recommended approval by a vote of 9:0.

Board Agenda

3. Community Police Report

Officer Robert Lacy reported on issues in the district, beginning with the City's focus on the residential area located southeast of the Ridge and Central including streets such as Freeman and Summitlawn as a Weed and Seed Program. Officer Lacy explained that the Housing Department had determined that the area met qualification guidelines for assistance. Initially, the emphasis will be neighborhood relations with two officers patrolling the area on bicycles to make personal contact with residents. Weed and Seed is a federal program that seeks to reduce crime and improve housing in specific areas.

Another concern noted by Officer Lacy is the speeding issues for Westport & Maize, first brought to the DAB last spring by residents. Police have been spending more time in the area and using a "radar box" to show people their rate of speed as they approach the radar. It is intended to raise awareness for the speed that individuals travel

Ediger asked if Police had noted any increase in crimes or anything unusual with school being out for the summer. **Sergeant Wiley** responded by explaining that incidents of youth crime appeared to move around the district instead of repeatedly occurring in the same area, making it difficult for Police to apprehend the offenders. He said that Northwest High School had reported vandalism, littering, and driving incidents. **Council Member Martz** asked if any coordination of effort is made with the Maize Police for Maize High School? **Wiley** said that Police have a School Resource Officer located there.

Council Member Martz asked Sergeant Wiley to report on the National Night Out activities to which **Wiley** said that the number of events in the district increased this year. Police were able to make it to most of the sites. He said that Dillons donated cakes for the events.

Action: Receive and file

4. Update on Committee Study of Traffic Issues for Westport & Maize

DAB Members Dave Almes and Vince Miller provided an update on efforts to address the issues to date, reporting that the committee had been selected with ten names drawn and two appointed to each represent the north and south sides of the barricade. All members had been notified and the first meeting will occur when the traffic counts and history are collected.

Action: Receive and file

5. Update on Status of Permitting C & D Landfill at 37th & West Street

Council Member Martz stated that the State had hosted a public hearing for this issue on July 30 in which he and other public officials as well as citizens spoke. He reported some of the points he made at the hearing to express concerns for the risk of contamination that could occur. He thanked those

DAB Members who attended the hearing. He also noted that today was the final date for submitting public comment to the state regarding their action to approve or deny a permit.

Action: Receive and file

6. Updates, Issues, and Reports

DAB Members identified sites of concern including (1) an abandoned residence at 21st and 119th on the northwest corner; (2) a building east of the YMCA just south of Central; and, (3) a dentist's office being torn down at the corner of Tyler & Second Street just south of Wilbur Middle School. Staff agreed to find out the status of each situation and report at the next meeting.

Action: No action required.

Unfinished Business

7. Update on Noise Study Request from Residents along Central

Council Member Martz reported that the Kansas Department of Transportation would provide a report at the September DAB meeting.

Action: Receive and file.

8. Update on status of All Star Sports issues

City staff reported that contact had been made with the resident who brought the issue to the DAB in June. The resident reported that the golf balls continue into the residential area but the lighting was not a problem so he had not signed a complaint on the lighting. **Council Member Martz** reported that he had never received information on the Conditional Unit Plan (CUP) to determine compliance of the upper deck. He had not received any further calls or complaints from residents.

Action: No action required.

Other

Council Member Martz reported that the previous issue with determining if a policy existed for tall structures around the airport had been clarified and a policy does exist. In addition, he had learned that approval by the Federal Aviation Agency is not required for siting a structure within a certain distance around an airport.

Dennis reported that Public Works is considering the recommendation by the DAB to build safety barriers on the curved area of Central around 135th Street in response to the issues presented at the last meeting by Dean Loesch, property owner.

Council Member Martz reported that the next meeting scheduled for the District V Advisory Board would be September 10 due to a holiday, Labor Day, on the regular meeting date of September 3, 2001. The meeting will be held at 7:00 p.m. in the meeting room of the Auburn Hills Golf Course Clubhouse.

No Action Required.

With no further business, the meeting was adjourned at 9:15.

Respectfully submitted,

Dana Brown
Neighborhood Assistant
District V

Guests

Wayne Schulte	7229 Bittersweet, 67212
Veronica Schulte	7229 Bittersweet, 67212
Lewis Haney	1919 N. Ridge Road
Darlene Haney	1919 N. Ridge Road
Kris Smith	4910 W. Memory Lane
Calla Wiemeyer	7231 Bittersweet
Mark Wiemeyer	7231 Bittersweet
Greg Ferris	144 S. Bay Country Court
Elwood Tinsley	1945 N. Ridge Road
June Tinsley	1945 N. Ridge Road
Judy Park	12231 W. Sheriac Circle
Mark Brandt	2003 N. Ridge Road
Deanna Brandt	2003 N. Ridge Road
Don Rohr	13526 W. Burton Court
John Blanton	7308 Bittersweet Court
Michael D. Crowe	7300 Bittersweet
Vernon Deines	130 S. Breezy Pointe Circle
Peggy Peterson	7328 Bittersweet
Clete Dold	218 S. Breezy Point Circle
Marc Nuessen	13530 W. Burton
Robert Simmons	7229 W. 18 th Street
Kevin McWhorter	12223 Sheriac Circle
Kevin Kelley	7316 Bittersweet Court